



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency
Greg Sellers, Agency Member
Steve Tate, Agency Member

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Hedy Chang, Mayor Pro Tempore
Larry Carr, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

WEDNESDAY, APRIL 23, 2003

AGENDA

JOINT MEETING

REDEVELOPMENT AGENCY REGULAR AND SPECIAL MEETING

and

CITY COUNCIL SPECIAL MEETING

4:00 P.M.

***A Special Redevelopment Agency and Special City Council Meeting Is Called
At 4:00 P.M. for the Purpose of Conducting A Workshop, Interviews for the Library
and Parks and Recreation Commissions, City Business and Closed Sessions.***

Dennis Kennedy, Mayor

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

Redevelopment Agency Action

4:00 P.M.

	Time Estimate		Page
1.	60 Minutes	<u>WORKSHOP FOR SANTA CLARA COUNTY'S COURTHOUSE PROJECT</u> 1 <u>Recommended Action(s):</u> Provide Comments on the Schematic Design for the County of Santa Clara's Morgan Hill Courthouse Campus Project.	

City Council Action

5:00 P.M.

OTHER BUSINESS:

	Time Estimate		Page
2.	90 Minutes	<u>LIBRARY COMMISSION AND PARKS & RECREATION COMMISSION INTERVIEWS</u> 3 <u>Recommended Action(s):</u> 1. <u>Conduct</u> Interviews; and 2. <u>Continue</u> Interviews/Appointments to Fill Four (4) Vacancies on the Library Commission and three (3) Vacancies on the Parks and Recreation Commission to April 30, 2003.	

6:00 P.M.

Redevelopment Agency Action and City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)

Case Name: Santa Clara Valley Audubon Society v. City of Morgan Hill

Case No.: Santa Clara County Superior Court, No. CV 815655

Attendees: City Council, City Manager, City Attorney

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: Allivato v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior CV 810111
Attendees: City Attorney, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITION

Bicycle & Trails Advisory Committee Outgoing Members
Beth Ann Gardner
Gerald Kinkade
James Rotherth

PROCLAMATIONS

National Volunteer Week, April 27 – May 3, 2003
Volunteer Coordinator Lengsfeld

Child Abuse Awareness Month
Betty Garcia, Child Abuse Council of Santa Clara County

PRESENTATIONS

Poster Contest Winners
Assistant to the City Manager Eulo

South Valley Disposal - Recyclers of the Year
Assistant to the City Manager Eulo

CITY COUNCIL SUB-COMMITTEE REPORTS

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME

**THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 3 - 5

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

3. **MARCH 2003 FINANCE AND INVESTMENT REPORT**..... 53
Recommended Action(s): **Accept** and **File** Report.
4. **NOLL & TAM ARCHITECTS ADDITIONAL PREPARATION OF CYCLE I LIBRARY BOND
ACT OF 2000 GRANT APPLICATION SUBMITTED JUNE 13, 2002**..... 63
Recommended Action(s): **Authorize** Amendment of Contract Agreement with Noll & Tam Architects to Provide Additional Services in the Preparation of the Cycle I Library Bond Act of 2000 Grant Application, not to exceed \$20,000.
5. **REQUEST FOR STATEMENTS OF INTEREST FOR THE POLICE FACILITY (17605
MONTEREY ROAD**..... 65
Recommended Action(s): **Authorize** Staff to Issue a Request for "Statements of Interest" (SOI) for the Sale or Lease of the Current Police Facility, Located at 17605 Monterey Road.

City Council Action

CONSENT CALENDAR:

ITEMS 6 - 10

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

6. **AMENDMENT TO CONSULTANT AGREEMENT WITH CONSOLIDATED CM**..... 69
Recommended Action(s): **Authorize** the City Manager to Execute a Second Amendment to the Consultant Agreement with Consolidated CM for the Community Center Project, Subject to City Attorney Approval.

7.	<u>RECYCLING GRANT</u>	71
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5665, Authorizing the City Manager to Request Funding.	
8.	<u>APPLICATION FOR FEDERAL LAND AND WATER CONSERVATION FUND GRANT-IN-AID PROGRAM</u>	75
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Filing of an Application for the Land and Water Conservation Fund Grant-In-Aid Program;	
	2. <u>Certify</u> that 50% Matching Funds are Available through CDBG Funding.	
	3. <u>Certify</u> that the Galvan Park Improvements Project is Compatible with the City's Land use Plans;	
	4. <u>Adopt</u> Resolution No. 5666, Approving Application; and	
	5. <u>Appoint</u> J. Edward Tewes, City Manager, as Agent of the City to Conduct All Negotiations and Execute and Submit all Documents; Including, but Not Limited To, Applications, Agreements, and Statements Necessary to Complete the Project.	
9.	<u>AMENDMENT TO CONTRACT AGREEMENT WITH SPORTS MANAGEMENT GROUP (SMG)</u>	79
	<u>Recommended Action(s):</u> <u>Authorize</u> Amendment of the Contract Agreement with the Sports Management Group for Operational Planning, Policies and Procedures for the Community and Cultural Center and the Community Playhouse, as well as Operator and Master Plan Services for the Indoor Community Recreation Center, not to exceed \$21,250.	
10.	<u>LIBRARY COMMISSION RECOMMENDATION TO APPROPRIATE FUNDS TO OPEN LIBRARY ON SUNDAYS</u>	81
	<u>Recommended Action(s):</u> <u>Receive</u> Recommendation from Library Commission and <u>Consider</u> During Fiscal Year 2003-2004 Budget Deliberations.	

Redevelopment Agency and City Council Action

CONSENT CALENDAR:

ITEM 11

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

11.	<u>AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF BERG AND PARKER, LLP</u>	93
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Amended Agreement with the Law Firm of Berg & Parker, LLP.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
12.	75 Minutes	<u>ZONING AMENDMENT APPLICATION, ZA-02-18:COCHRANE – IN-N-OUT BURGER/APPLEBEE’S</u>	115
		Public Hearing Re-Opened. (Continued from March 19, 2003) Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Enacting <u>Planning Commission Recommendation</u> Approving Zoning Amendment to approve both restaurants.	
		Action- <u>Motion to Introduce</u> Ordinance Enacting <u>Planning Commission Recommendation</u> by Title Only. (Roll Call Vote)	
		<u>OR</u> Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Enacting <u>Staff Recommendation</u> to approve 5,000 to 6,500 Square Foot Sit Down Restaurant and Deny the Drive-Thru Fast Food Use.	
		Action- <u>Motion to Introduce</u> Ordinance Enacting <u>Staff Recommendation</u> by Title Only. (Roll Call Vote)	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
13.	10 Minutes	<u>DRAFT ECONOMIC DEVELOPMENT STRATEGY</u>	159
		<u>Recommended Action(s):</u>	
		1. <u>Discuss</u> the Draft Economic Development Strategy (EDS);	
		2. <u>Direct</u> Staff to Circulate the EDS for Comments; and	
		3. <u>Schedule</u> for Discussion at the May 7, 2003, City Council/Redevelopment Agency Meeting.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
14.	10 Minutes	<u>REVIEW RECOMMENDATIONS OF THE VALLEY TRANSPORTATION AUTHORITY’S (VTA) AD HOC FINANCIAL STABILITY COMMITTEE</u>	169
		<u>Recommended Action(s): Consider</u> Report by Mayor Kennedy.	

15.	30 Minutes	<u>COMMUNITY INDOOR RECREATION CENTER REVIEW OF PROGRAMMING SPACES, BUDGET, AND PROJECT SCHEDULE</u>	171
		<u>Recommended Action(s):</u>	
		1. Council <u>Discussion</u> of Issues Presented, and	
		2. <u>Appointment</u> of Council Subcommittee to Work with Staff and Report Back to Council.	
16.	45 Minutes	<u>COMMUNITY AND CULTURAL CENTER OPERATIONAL POLICIES AND PROCEDURES UPDATE</u>	179
		<u>Recommended Action(s):</u>	
		1. <u>Receive</u> Report;	
		2. <u>Provide</u> Direction to Staff Regarding Operating Policies and Rental Rate Changes for the Community and Cultural Center; and	
		3. <u>Schedule</u> a Public Hearing if Changes to the Current Rental Rates are directed by Council.	
17.	5 Minutes	<u>WITHDRAWAL OF APPLICATION TO CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) FOR MADRONE PARKWAY AT-GRADE CROSSING</u>	197
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Withdraw Current Application to CPUC for Madrone Parkway At-Grade Rail Crossing; and	
		2. <u>Direct</u> Staff to Return to Council with a Plan for Addressing the Issues Raised by CPUC and Union Pacific Railroad (UPRR) Prior to Submittal of New Application.	
18.	10 Minutes	<u>CONSIDERATION OF BECOMING A GREEN CITY</u>	205
		<u>Recommended Action(s):</u> <u>Provide</u> Direction to Staff.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT